

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

OCEAN TOMO, LLC,)	
)	
Plaintiff-Counterdefendant,)	
)	
vs.)	No. 12 C 8450
)	
JONATHAN BARNEY and)	Hon. Joan B. Gottschall
PATENTRATINGS, LLC,)	
)	
Defendants-Counterplaintiffs.)	

STIPULATION REGARDING AMENDED PLEADINGS

Plaintiff-Counterdefendant Ocean Tomo, LLC (“Ocean Tomo”) and Defendant-Counterplaintiffs Jonathan Barney (“Mr. Barney”) and PatentRatings, LLC (“PatentRatings”), through their respective counsel, pursuant to Rule 15(a)(2) of the Federal Rules of Civil Procedure, hereby stipulate as follows:

1. Ocean Tomo and PatentRatings each have asserted claims against the other in an action pending in the Circuit Court of Cook County, Illinois, captioned *Ocean Tomo, LLC v. PatentRatings, LLC*, No. 12 CH 7704 (the “State Court Action”).
2. Ocean Tomo and PatentRatings have agreed that it would be more efficient, and would advance judicial economy, to litigate those claims in this action.
3. Accordingly, Ocean Tomo, PatentRatings, and Mr. Barney have agreed, under Rule 15(a)(2) of the Federal Rules of Civil Procedure, to consent to the filing of amended pleadings in this action for the purpose of incorporating into this action the claims in the State Court Action.
4. Mr. Barney and PatentRatings consent to Ocean Tomo’s filing of the Second Amended and Supplemental Verified Complaint for Injunctive Relief, Declaratory Judgment,

and Damages (the “Second Amended Complaint”) that Ocean Tomo’s counsel provided to Mr. Barney’s and PatentRatings’ counsel in draft form on December 5, 2014.

5. Ocean Tomo consents to Mr. Barney’s and PatentRatings’ filing of the Amended Counterclaim (the “Amended Counterclaim”) that Mr. Barney’s and PatentRatings’ counsel provided to Ocean Tomo’s counsel in draft form on December 5, 2014.

6. Mr. Barney and PatentRatings agree that they will file their answers and affirmative defenses to Ocean Tomo’s Second Amended Complaint by no later than January 20, 2015, and waive their rights to file a motion under Rule 12(b) of the Federal Rules of Civil Procedure with respect to Ocean Tomo’s Second Amended Complaint.

7. Ocean Tomo agrees that it will file its answer and affirmative defenses to Mr. Barney’s and PatentRatings’ Amended Counterclaim by no later than January 20, 2015, and waives its right to file a motion under Rule 12(b) of the Federal Rules of Civil Procedure with respect to Mr. Barney’s and PatentRatings’ Amended Counterclaim.

8. Ocean Tomo, Mr. Barney, and PatentRatings agree that, for purposes of any applicable statutes of limitations, the claims being incorporated into this action shall be treated as having been filed when they were filed in the State Court Action.

9. Ocean Tomo, Mr. Barney, and PatentRatings agree that all discovery, and responses to discovery, previously served in the State Court Action shall be treated as having been served in this action, and that no party shall assert objections to the interrogatories previously served in the State Court Action on the ground that they exceed the limitation in Rule 33(a)(1) of the Federal Rules of Civil Procedure.

Agreed upon this 13th day of January 2015.

JONATHAN BARNEY and
PATENTRATINGS, LLC

OCEAN TOMO, LLC

By: /s/ David C. Layden

By: /s/ Jeremy R. Heuer

David C. Layden
JENNER & BLOCK LLP
353 North Clark Street
Chicago, Illinois 60654
(312) 222-9350

Thomas P. Cimino, Jr.
Jeremy R. Heuer
VEDDER PRICE P.C.
222 North LaSalle Street
Chicago, Illinois 60601
(312) 609-7500